

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-24, 27, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga et al. in view of Knepler et al.

There is disclosed in Koga brewing device comprising: a housing 2 defining a water reservoir chamber; a water heater 8 within the chamber; an inlet port 10; an outlet port 7; a baffle 11 having a wall defining a cavity, an upper edge of the wall defining a mouth for receiving water from the chamber, the cavity communicating directly with the outlet port through the housing in a lower portion of the cavity; a tube 3 extending from the outlet port; a receiver 16 for receiving heated water and containing a beverage brewing substance; an inlet control device 9; and an outlet control device 1.

In regards to the recitation in the claim that "water must pass from the chamber through the mouth to flow to the cavity", such a limitation is functional and fails to further limit the claims structurally. It is apparent that any water above the level of the baffle must pass from the chamber to the cavity through the mouth of the wall.

Knepler discloses, in a brewing device, the use of a controller 28, a controllable valve 48 coupled to an inlet of a water reservoir, and a controllable valve 32 coupled to

an outlet of the reservoir, the outlet being defined for dispensing water from the reservoir under force of gravity.

It would have been obvious to one skilled in the art to substitute the outlet port arrangement of Koga with that taught in Knepler, in order to alleviate the need for having additional parts such as the pump.

It would have been obvious to one skilled in the art to provide the brewing device of Koga with the controller and controllable inlet and outlet vales taught in Knepler, in order to provide automatic dispersal of hot water to the receiver and automatic replenishing of cold water to the reservoir.

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Knepler as applied to claim 20 above, and further in view of Beaulieu et al.

Beaulieu teaches that it is known in the art to locate the inlet port at an upper portion of a water reservoir.

It would have been obvious to one skilled in the art to modify the reservoir inlet of Koga, as modified by Knepler, with that taught in Beaulieu, in order to provide an alternative location for the reservoir inlet.

Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Knepler as applied to claim 20 above, and further in view of Patel.

Patel discloses that it is known in the art to provide a dispensing faucet in communication with an outlet port or a reservoir.

It would have been obvious to one skilled in the art to provide the device of Koga, as modified by Knepler, with the faucet taught in Patel, in order to allow dispensing of water from the reservoir to a user.

Claims 33-35, 37, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koga et al. in view of Knepler et al. and Patel.

Koga, as discussed above, discloses all of the claimed subject matter except for a controller, controllable inlet and outlet valves and a dispensing faucet.

Knepler, as discussed above, discloses the use of a controller and controllable inlet and outlet valves.

It would have been obvious to one skilled in the art to provide the brewing device of Koga with the controller and controllable inlet and outlet valves taught in Knepler, in order to provide automatic dispersal of hot water to the receiver and automatic replenishing of cold water to the reservoir.

Patel, as discussed above, discloses the use of a dispensing faucet.

It would have been obvious to one skilled in the art to provide the device of Koga, as modified by Knepler, with the faucet taught in Patel, in order to allow dispensing of water from the reservoir to a user.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koga in view of Knepler and Patel as applied to claim 33 above, and further in view of Beaulieu et al.

Beaulieu teaches that it is known in the art to locate the inlet port at an upper portion of a water reservoir.

It would have been obvious to one skilled in the art to modify the reservoir inlet of Koga, as modified by Knepler and Patel, with that taught in Beaulieu, in order to provide an alternative location for the reservoir inlet.

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

The plate 11 having apertures 11A, shown in figure 15, appears to be a different embodiment than those shown in other figures. It is the only embodiment which shows apertures. Thus, applicant's claimed "continuous wall" appears to be met by the plate 11 of Koga. In regards to the newly presented subject matter of an outlet port which dispenses water from the cavity under force of gravity, the Knepler reference is cited in combination for the teaching of such a feature.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tu Hoang can be reached on 571-272-4780. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Reginald L. Alexander/  
Primary Examiner  
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